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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) <i>H5J9200301694US1</i>	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		<p>Application Number <i>10/629,675</i></p> <p>Filed <i>07/29/2003</i></p> <p>First Named Inventor <i>New</i></p> <p>Art Unit <i>2114</i></p>	<p>Examiner <i>Lohr</i></p>

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- attorney or agent of record.
Registration number 33,549
- attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

John Rogitz
Signature
John Rogitz
Typed or printed name
619.338.8075
Telephone number
8/3/06
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.



*Total of 4 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FROM ROGITZ 619 338 8078

(THU) AUG 3 2006 9:58/ST. 9:57/No. 6833031453 P 3

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: New)	Art Unit: 2114
Serial No.: 10/629,675)	Examiner: Lohn
Filed: July 29, 2003)	HSI920030169US1
For: SYSTEM AND METHOD FOR AUTONOMOUS DATA SCRUBBING IN A HARD DISK DRIVE)	August 3, 2006 750 B STREET, Suite 3120 San Diego, CA 92101
)	

PRE-APPEAL BRIEF REASONS

Commissioner for Patents
Alexandria, VA

Dear Sir:

The issues applicant would ask to be reviewed are as follows. The rejection of Claim 1 is based on the examiner equating a user changing a scrub timer (as taught in the secondary reference) with the claimed "scrub delay period that depends on a number of user requests received from a RAID controller" because, per the examiner, the user changing the timer is "a" request and "a" equals "one", which is a "number".

Applicant believes this argument fails in at least two respects: (1) the relied-upon "request" is not from a RAID controller as claimed, and (2) changing the timer in the reference depends on the existence of a request, not its inherent "number" of unity. The existence of a thing is not the same thing as a number of that thing.

1189-12.AM2

FROM ROGITZ 619 338 8078

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August 3, 2006
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PATENT
Filed: July 29, 2003

Respectfully submitted,


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JLR:jg

1189-12.AM2